

# Your WorkSafe claim:

## Second entitlement period frequently asked questions

### What's ahead in my claim?

You have now received 52 weeks of weekly payments and we want to let you know what to expect in the future of your workers compensation claim.

The next step will be taking part in a review process. This review is called the **second entitlement period** or the 130 week review.

### What is the second entitlement period?

The second entitlement period is a legislative requirement under the *Workers Compensation Act*. The review determines your ongoing eligibility for weekly payments under your claim. Your case manager will support you throughout the review, continue to manage your claim and be available to answer any questions along the way.

### What is the legislation during this second entitlement period?

Section 163 of the *Workplace Injury Rehabilitation Act* (WIRC) and Section 93C of the *Accident Compensation Act* outlines the process when your claim reaches 130 weeks of paid weekly payments. Based on this legislation, your weekly payments will stop if it is determined that you have a capacity for work, or that you will have a capacity in the future, even if this means not returning to your pre-injury role or employer.

Information considered in the review process includes information from your treating health practitioners, independent medical opinions and occupational rehabilitation services.

### What happens during this process?

Your agent will engage and work collaboratively with you, your treating health practitioners, and (where appropriate) your employer and occupational rehabilitation provider, and any allied health professionals that may be involved in the management of your claim eg physiotherapist. An exchange of information will take place relating to your claim, to assist in the second entitlement review process.

Your agent will confirm your availability to attend appointments with independent medical examiners and will work with you to ensure you are able to attend these.

If appropriate, occupational rehabilitation services will be provided to assist you with returning to work during the next phase. This may include training or re-skilling, assistance with job seeking or employment services, depending on your circumstances.

### What are the next steps of your claim?

You can expect as part of the second entitlement period that:

- Your agent will continue to work closely with you and your treating health practitioner to provide you with timely and appropriate medical treatment to support you with your workplace related injury
- Your agent will work with you and your treating health practitioner to provide you with occupational rehabilitation services. This may include a review of your transferable skills, any training or re-skilling and suitable employment options, if appropriate

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- Your agent will seek independent medical opinions to assist in the assessment of your entitlements in line with review process for the second entitlement period. You will be invited to attend an appointment with one or more independent medical examiners (IME) that specialise in your type of injury
- Your case manager will get information from all the people involved in your claim to accurately assess your ongoing capacity for work
- Your case manager will communicate regularly with you and keep you informed of the review progress
- You will be notified of the outcome of your review by your case manager. One of the outcomes may be that you no longer receive weekly payments.
- If your weekly benefits are not going to continue after your review, you will receive 13 weeks' notice before payments stop
- During this 13 week transition time you may choose to access Work Safe's transition support services that can assist you in planning for the future.

Further information will be provided regarding transition support following the outcome of your review of your second entitlement period.

### What do I need to do now?

You don't need to do anything now. Your case manager will contact you to begin coordinating the review of your second entitlement period.

### Further information

#### Where can I get more information about the review of the second entitlement period?

Visit [worksafe.vic.gov.au](https://worksafe.vic.gov.au) or contact your agent.

#### Other useful resources

Community resources – [www.askizzy.org.au](https://www.askizzy.org.au)

Financial advice — [moneysmart.gov.au](https://moneysmart.gov.au)

Mental wellbeing – [beyondblue.org.au](https://beyondblue.org.au)